IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 3507 of 2005

Between:

Shaik Himam Khasim, S/o. Late SK. Saidulli,
Chaparala Pally (V), Mulakala Pally (M),
Khammam District.

..... PETITIONER

AND

1 The District Chief Executive Officer, Panchayat Raj, Zilla Parishad, Khammam District.
2 The Deputy Chief Executive Officer, (PR) Zilla Parishad, Khammam

District.
3 The Mandal Development Officer, Mulakalapally (M), Khammam

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents No. 1 & 2 not considering the petitioner for the post of Sweeper on compassionate appointment in proceedings Rc. No. A4/3182/2004 Dt. 28-10-2004 of the 2nd respondent and declare the same as illegal, arbitrary and violative of article 14 19 (1) (g) and 21 of the constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.Y.VENKATASATYAM

Counsel for Respondents No.1 and 2: Sri D. Srinivas

Counsel for Respondent No.3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following ORDER:

In not considering the case of the petitioner for the post of Sweeper, on compassionate grounds, by the second respondent, the present writ petition is filed.

The father of the petitioner did voluntary service as a part-time Sweeper in UPS Chaparalapally, M.P. Mulakalapally, Khammam district from 01.06.1998 till his death on 06.02.2004. The petitioner, after the death of his father, made a representation to the respondents on 06.08.2004 to appoint him as a part-time sweeper. But the second respondent rejected the same. Hence, the petitioner filed the present writ petition to re-consider his case in view of the G.O.Ms.No.212, dated 22.04.1994.

Heard the learned counsel for the petitioner, the learned standing counsel for Respondents 1 and 2 and the learned Government Pleader for Panchayat Raj and Rural Development.

The first respondent is the competent authority to take appropriate decision as to whether the petitioner comes within the purview of G.O.Ms.No.212, dated 22.04.1994, to be appointed as sweeper on compassionate grounds. Therefore,

without going into the merits, this Court considers appropriate to direct the first respondent to take the decision in accordance with the Rules and the Government Orders in force, including the G.O. mentioned above.

Hence, the writ petition is disposed of directing the first respondent to take appropriate decision, as stated above, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

25.02.2005

ksld

To

1 The District Chief Executive Officer, Panchayat Raj, Zilla Parishad, Khammam District.
2 The Deputy Chief Executive Officer, (PR) Zilla Parishad, Khammam

District.
3 The Mandal Development Officer, Mulakalapally (M), Khammam

District.

4 Two CCs. to the G.P. for Panchayat Raj & Rural Development, High

Court of A.P., Hyderabad (OUT).

5 2 CD copies

6 1 CC to MR.VENKATASATYAM (OUT)

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